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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,283	07/15/2003	Kelvin Todd Evans	15072.9A	7726

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EXAMINER

HEWITT, JAMES M

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 02/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/620,283

Applicant(s)

EVANS

Examiner

James M Hewitt

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 'S/T', 'D/F', 'D/R', '21"', '21"', 'C/L', '13"', '6', '9', '3"', and '30"'. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

It is unclear whether some of the numerals are dimensions, in feet or in inches. And the abbreviations are not easily ascertained.

Claim Objections

Claims 1-18 and 20-23 are objected to because of the following informalities:

In claim 1 line 15, the first instance of "the" should be replaced with "and".

In claim 1 line 18, "and" should be inserted after "axis".

In claim 4 line 1, "the" should be inserted before "at least one".

In claim 4 lines 2-3, two of the three effluent retention portions are said to each have the first transverse port extending therefrom. Applicant should amend the claims to make clear that there is more than one first transverse port. For example, claim 1 could be amended to recite at least one first transverse port. Claim 4 could then be

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amended to state that the two effluent retention portions each have a first transverse port extending therefrom.

In claim 4 line 4, "the first transverse direction" should be "a first transverse direction".

In claim 4 line 5, "the second transverse direction" should be "a second transverse direction".

In claim 5 line 1, "thereof" should be replaced with "of the manifold".

In claim 5 line 2, "thereof" should be replaced with "of the manifold".

In claim 6 line 2, the phrase "respectively, each" should be inserted after "connections".

In claim 7 line 1, "a" should be "A".

In claim 7 line 14, "the longitudinal axis" lacks antecedent basis.

In claim 10 lines 1-2, the rib is said to comprise two ribs. This makes no sense and is confusing. Claim 7 should be amended to recite at least one rib. Claim 10 should then be amended to state that the at least one rib comprises opposing first and second ribs.

In claim 11 line 2, is the recited "a longitudinal axis" the same as that recited in line 14 of claim 7? If so, the claims should be amended so that they correspond. Note that "the longitudinal axis" is also recited in claim 12 lines 2-3 and in claim 15 lines 2-3.

In claim 13 lines 2-3, two of the three effluent retention portions are said to each have the first transverse port extending therefrom. Applicant should amend the claims to make clear that there is more than one first transverse port. For example, claim 7

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could be amended to recite at least one first transverse port. Claim 13 could then be amended to state that the two effluent retention portions each have a first transverse port extending therefrom.

In claim 15 lines 1-2, the rib is said to comprise two ribs. This makes no sense and is confusing. Claim 7 should be amended to recite at least one rib. Claim 15 should then be amended to state that the at least one rib comprises opposing first and second ribs.

In claim 16 line 1, "thereof" should be replaced with "of the manifold".

In claim 16 line 2, "thereof" should be replaced with "of the manifold".

In claim 17 line 2, ", each" should be inserted after "respectively".

In claim 18 line 2, "filed" should be replaced with "field".

In claim 20 line 2, "orts" should be "ports".

In claim 21 lines 1-2, the rib is said to comprise two ribs. This makes no sense and is confusing. Claim 19 should be amended to recite at least one rib. Claim 21 should then be amended to state that the at least one rib comprises opposing first and second ribs.

In claim 22 line 2, "three" should be inserted after the second instance of "at least".

Claim 23 is a duplicate of claim 21. Should claim 23 depend from claim 22?

In claim 23 lines 1-2, the rib is said to comprise two ribs. This makes no sense and is confusing. Claim 19 should be amended to recite at least one rib. Claim 23

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should then be amended to state that the at least one rib comprises opposing first and second ribs.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCord (US 5,988,943).

With respect to claim 1, McCord discloses a manifold comprising: an elongate tubular body having a first longitudinal port (at 18 on left in Figure 1) and an opposing second longitudinal port (at 18 on right in Figure 1) for providing fluid flow through the body along a longitudinal axis thereof, the elongate tubular body having at least one effluent retention portion (14) and at least one conduit portion (16) formed therein, the conduit portion having a girth less than that of the retention portion, a first transverse port (at 25) positioned between the first and second longitudinal ports for providing a transverse fluid flow from the at least one effluent retention portion, the first transverse port having an axis within a plane of and generally orthogonal to the longitudinal axis, a second transverse port (25) positioned between the first transverse port and at least one of the first and second longitudinal ports for providing a second transverse fluid flow from a

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second retention portion of the at least one retention portion, the second transverse port having an axis within the plane of the generally orthogonal to the longitudinal axis.

McCord fails to teach opposing first and second ribs extending outwardly from an outside surface of the conduit portion of the tubular body, wherein the first and second ribs radially extend from the longitudinal axis are orthogonal to the plane having the transverse port axes and longitudinal axis therein. The examiner takes official notice of the use of opposing ribs on a pipe body to provide and impart additional strength to the pipe.

With respect to claim 2, McCord fails to teach that each of the ports is closed, and wherein a cut is made in the manifold for opening a selected one of the ports for permitting fluid flow therethrough. Nevertheless, the examiner takes official notice of the use of frangible closures for pipes. McCord employs plugs or end caps to close his ports. Frangible closure means are a common substitute.

With respect to claim 3, wherein the first and second ports are centered about a longitudinal axis of the elongate tubular body. The second and fifth ports from the left in Figure 1 are centered.

With respect to claim 4, wherein at least one effluent retention portion comprises three effluent retention portions (14, 14 and 20), and wherein two (14, 14) of the three effluent retention portions each have the first transverse port (25) extending therefrom for directing fluid flow into the first transverse direction and the second transverse port extending from the third effluent retention portion (20) for directing flow into the second transverse direction, which second direction radially opposes the first direction. The

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port connected to retention portion (20) is oriented vertically. The examiner contends that the tee can be rotated or oriented such that the port faces opposite the direction of ports (25).

With respect to claim 5, wherein a top plan view thereof comprises a mirror image of a bottom plan view thereof. With fitting (40) removed, the top view of the device mirrors a bottom view of the device. Note that fitting (40) is not necessarily connected to the device.

With respect to claim 6, McCord fails to teach that the first and second longitudinal ports comprise male and female connections for connecting to a second manifold having a similar form thereto. Each of the longitudinal ports includes a female fitting. Nevertheless, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a male fitting in one of the ports in order to facilitate connection to another distribution device.

With respect to claim 7, McCord discloses a manifold comprising: an elongate tubular body having a first longitudinal port (at 18 on left in Figure 1) and an opposing second longitudinal port (at 18 on right in Figure 1) for providing fluid flow therethrough, the elongate tubular body having at least one effluent retention portion (14) and at least one conduit portion (16) formed therein, the conduit portion having a girth less than that of the retention portion, a first transverse port (25; however for claim 18, the first port has been interpreted as that port having plug 24 therein) positioned between the first and second longitudinal ports for providing a transverse fluid flow from the elongate tubular body in a first transverse direction, a second transverse port (25; however for

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claim 13, the second port has been interpreted as that port having plug 24 therein) positioned between the first and second longitudinal ports for providing a second transverse fluid flow from the elongate tubular body in a second transverse direction. McCord fails to teach opposing a rib extending outwardly from an outside surface of the conduit portion of the tubular body, wherein the rib extends from the conduit portion orthogonal to the plane having the axis of at least one transverse port and the longitudinal axis therein. The examiner takes official notice of the use of a rib or ribs on a pipe body to provide and impart additional strength to the pipe.

With respect to claim 8, McCord fails to teach that each of the ports is closed, and wherein a cut is made in the manifold for opening a selected one of the ports for permitting fluid flow therethrough. Nevertheless, the examiner takes official notice of the use of frangible closures for pipes. McCord employs plugs or end caps to close his ports. Frangible closure means are a common substitute.

With respect to claim 9, wherein at least one of the first and second transverse ports extends from the at least one effluent retention portion.

With respect to claim 10, refer to the obviousness rejection of claim 7.

With respect to claim 11, wherein the first and second ports are centered about a longitudinal axis of the elongate tubular body. The second and fifth ports from the left in Figure 1 are centered.

With respect to claim 12, wherein axes of the first and second transverse ports lie within a single plane of and are generally orthogonal to the longitudinal axis.

With respect to claim 13, wherein at least one effluent retention portion comprises three effluent retention portions (14, 14 and 20), and wherein two (14, 14) of the three effluent retention portions each have the first transverse port (25) extending therefrom for directing fluid flow into the first transverse direction and the second transverse port (with plug 24) extending from the third effluent retention portion (20) for directing flow into the second transverse direction, which second direction radially opposes the first direction. The port connected to retention portion (20) is oriented vertically. The examiner contends that the tee can be rotated or oriented such that the port faces opposite the direction of ports (25).

With respect to claim 14, wherein the second transverse port is positioned between the two first transverse ports.

With respect to claim 15, wherein the rib comprises opposing first and second ribs radially extending from the elongate tubular body along the longitudinal axis. Refer to the rejection of claims 7 and 10.

With respect to claim 16, wherein a top plan view thereof comprises a mirror image of a bottom plan view thereof. With fitting (40) removed, the top view of the device mirrors a bottom view of the device. Note that fitting (40) is not necessarily connected to the device.

With respect to claim 17, McCord fails to teach that the first and second longitudinal ports comprise male and female connections for connecting to a second manifold having a similar form thereto. Each of the longitudinal ports includes a female fitting. Nevertheless, it would have been obvious to one having ordinary skill in the art

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at the time the invention was made to employ a male fitting in one of the ports in order to facilitate connection to another distribution device.

With respect to claim 18, further comprising a septic tank pipe connected to the first transverse port (that port with plug 24) and a drain filed pipe connected to the second transverse port (25) for providing fluid flow therebetween. Refer to column 3 lines 23-50.

With respect to claim 19, McCord discloses a manifold comprising: a tubular body having an input port (18) and an opposing output port (18), and an enlarged girth portion (14) extending at least partially therebetween, a transverse port (25) extending from the enlarged girth portion. McCord fails to teach opposing a rib extending outwardly from the body at a location removed from the enlarged girth portion. The examiner takes official notice of the use of a rib or ribs on a pipe body to provide and impart additional strength to the pipe.

With respect to claim 20, wherein a longitudinal axis through a center of the input and output ports is orthogonal to a transverse axis passing through a center of the transverse port.

With respect to claim 21, wherein the rib comprises opposing first and second ribs radially extending from the elongate tubular body. Refer to the rejection of claim 19.

With respect to claim 22, wherein the transverse port includes at least three transverse ports, and wherein a central axis for each of the at least transverse ports lies with a plane including a central longitudinal axis of the tubular body.

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With respect to claim 23, wherein the rib comprises opposing first and second ribs radially extending from the tubular body. Refer to the rejection of claim 19.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M Hewitt whose telephone number is 703-305-0552. The examiner can normally be reached on M-F, 930am-600pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on 703-308-1159. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



James M. Hewitt
Patent Examiner
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